

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board<sup>1</sup>  
Docket No. 05-376

Richard Reuter,	)
Appellant,	)
	)
v.	)
	)
City of Charlemont,	)
Appellee	)

**BOARD'S RULING ON APPEAL**

**Procedural History**

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant asks the Board to grant a variance from 780 CMR 3603.8.1 (Minimum ceiling height) of the Massachusetts State Building Code ("MSBC") for a property located at 19 N. Heath Road, Charlemont, MA. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on February 20, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing pro se. There was no representative present from the City of Charlemont Building and Fire Departments.

**Discussion**

A motion was made to grant the Appellant's request for a variance from 780 CMR 3603.8.1 (Minimum ceiling height) of the MSBC to allow the headroom of 78 to 82 inches for two bedrooms located in the basement area of the property. Motion carried 3-0.

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<sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108.

**Conclusion**

The Appellant's request for a variance from 780 CMR 3603.8.1 is hereby  
**GRANTED.**

**SO ORDERED.**

  
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**HARRY SMITH**

  
\_\_\_\_\_  
**ALEXANDER MACLEOD**

  
\_\_\_\_\_  
**KEITH HOYLE**

DATED: March 23, 2007

*\* In accordance with M.G.L. c. 30A § 14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.*